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REPORT

OF THE

COMMITTEE ON RULES AND ADMINISTRATION

ON

ITS CONTINUING REVIEW OF THE SENATE COMMITTEE SYSTEM AND THE STANDING RULES AND OTHER RULES OF THE SENATE RELATED THERETO

(Pursuant to title V of S. Res. 4, 95th Cong., agreed to Feb. 4, 1977)

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REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION IN ITS CONTINUING REVIEW OF THE SENATE COMMITTEE SYSTEM AND RULES

INTRODUCTION

Title V of Senate Resolution 4 of the 95th Congress, the Committee System Reorganization Amendments of 1977, directed that the Committee on rules and Administration, in consultation with the Majority Leader and the Minority Leader, "shall review, on a continuing basis, the committee system of the Senate and the Standing Rules and other rules of the Senate related thereto." The Committee is to report to the Senate periodically on the results of this review. The following report is submitted in fulfillment of this mandate.

The Committee System Reorganization Amendments of 1977 made significant changes in the organization and operation of the Senate committee system. In debating and adopting this resolution, however, the Senate appreciated that it must continue to adapt to changes in the circumstances and demands it confronts, while taking proper care to assure the preservation of all that makes the Senate great and unique as a legislative body. The purpose of Title V was to ensure that the Senate would be subject to a regular and deliberate process of monitoring so that institutional adjustments can be made as they become necessary. The importance of such a monitoring process had been recognized in the Legislative Reorganization Act of 1970, which established a Joint Committee on Congressional Operations and charged it with making a continuing study of the organization and operation of the Congress as a whole. With the abolition of the Joint Committee in 1977, the responsibility for studying Senate organization and operations was assigned to the Committee on Rules and Administration, consistent with its established jurisdiction over measures affecting the rules and procedures of the Senate.

The scope of this report reflects the accomplishments of the Committee on Rules and Administration as well as the activities of the other entities that have studied aspects of the Senate on its behalf. On December 31, 1976, the Senate received the final report of the Commission on the Operation of the Senate which had been created during the previous year to undertake a comprehensive and impartial study of the organization and operation of the Senate. Concurrent with the work of this Commission, the Temporary Select Committee to Study the Senate Committee System conducted the studies and hearings that become the basis for S. Res. 4 as it was adopted by the Senate. This report reviews the status of the recommendations made by both the Commission and the Select Committee. In addition, the report summarizes many of the most important improvements in the Senate that have been undertaken

at the initiative of the Committee on Rules and Administration. Among these noteworthy developments have been major revisions in committee funding procedures and the first recodification of Senate rules in almost a century.

The Committee appreciates the support it has received from all Senators in its continuing study of the Senate and how it can best serve the American people.

IMPLEMENTATION OF OBJECTIVES AND PROVISIONS OF S. RES. 4

SUMMARY OF ACTIVITIES OF THE COMMITTEE ON RULES AND ADMINISTRATION AND OTHER RESPONSIBLE SENATE ENTITIES

Among the aims of the committee system reorganization was to consolidate fragmented committee jurisdictions, and thus enhance the abilities of committees to develop coordinated and comprehensive legislative policies and program oversight. S. Res. 4 consolidated the Senate committee system, limited Senators' committee and subcommittee assignments, and realigned and revised committee jurisdictions.

The Committee on Rules and Administration has taken several significant steps toward continuing the reorganization mandated by S. Res. 4. The Committee has acted to improve and make more systematic the staffing and funding review and approval procedures applicable to Senate committees. It has supervised initial steps toward the computerization of Senate committee scheduling. The Committee, in conjunction with the joint party leadership, has reviewed and acted to reduce substantially the number of Senate subcommittees, and the number of committee and subcommittee assignments held by Senators.

Pursuant to S. Res. 4, the Rules and Administration Committee assumed the duties and responsibilities (in the Senate) of the former Joint Committee on Congressional Operations. In the 95th and 96th Congresses, the Rules Committee has worked with the appropriate committees in the House of Representatives to continue the work of the former Joint Committee in the areas of staff recruitment, training, and development, and in providing the Senate membership and staff with comprehensive and timely information on issues of concern to the Congress as an institution.

DETAILED DESCRIPTION OF IMPLEMENTATION BY OBJECTIVE AND PROVISION

Committee Jurisdictions

The Committee System Reorganization Amendments altered standing committee jurisdiction in an attempt to focus responsibility over a single policy issue in a single Senate standing committee. In addition, S. Res. 4 assigned to the standing committees broad oversight jurisdiction to assure comprehensive policy review. The resolution also included new jurisdictional language not previously incorporated into Senate Rules, to account for policy concerns not apparent during earlier committee reorganizations.

The absolute jurisdictional consolidation objectives of S. Res. 4 have not been, and most probably cannot even be, completely

achieved. Although the Senate established a Committee on Energy and Natural Resources, the complexities of legislative proposals dealing with energy have necessitated the involvement of other committees. The same experience is evident in legislation dealing with environmental issues. Although the Senate established an Environment and Public Works Committee, the interrelationships of the programs conceivably fall within the purview of other Senate committees as well. No jurisdictional description, however comprehensive or precise, can encompass all aspects of an issue, or ramifications of a program, or future developments in the policy area.

In enacting S. Res. 4, the Senate was cognizant of these issues. In instances where several committees could assert jurisdiction over a measure, the resolution reinforced the reference of a bill to the committee having jurisdiction over the subject matter which predominates." The resolution permitted appeals from the ruling of the chair in bill referrals, but, to date, no such appeals have been formally made. Instead, the Senate seems to continue to favor the informal practice of referring legislation by unanimous consent to more than one committee. For example, 8.2 percent of all Senate bills introduced in the 96th Congress, 1st session, were referred to more than one committee, as opposed to 5.6 percent of all Senate bills during the 94th Congress, 1st session, the Congress preceding the committee reorganization.

In addition to redefining legislative jurisdiction, S. Res. 4 assigned to several Senate standing committees responsibility for comprehensive oversight, including policy review. The purpose of such comprehensive oversight jurisdiction is to better ensure that, regardless of legislative jurisdiction, certain committees could comprehensively review Government programs in key policy areas. In its Second Report, the Temporary Select Committee urged Senate committees, in their annual activities reports, to include preliminary plans for future oversight activity. Since the enactment of S. Res. 4, action by the Senate Rules and Administration Committee in reviewing the annual budget proposals of Senate committees indicates that the committees are devoting more time and a greater proportion of their staff resources to comprehensive oversight activities.

Committee and Subcommittee Numbers, Sizes, and Assignments

S. Res. 4 sought to reduce the number of committees and subcommittees, to limit the number of assignments and chairmanships a Member can hold, and to alter the size of each panel to accommodate the assignment limitations. Coupled with the elimination of several standing, select and joint committees, these provisions were intended to equalize workload, limit the time demands placed on Members, and afford junior Members a greater role in committee decision making. Title II provisions can be summarized as follows:

Limits the number of committees and subcommittees upon which a Senator can serve;

Provides various exceptions, mostly temporary, to the assignment limitation provision, thus allowing certain members to serve on additional committees;

Permits the joint party leaderships to increase the size of standing committees under certain circumstances to assure majority party control of the committee;

Limits the number of committee and subcommittee chairmanships a Member can hold;

Prohibits members of the Rules and Administration Committee from serving on certain joint committees; and

Provides that service on the budget committee be treated as a Class A assignment for certain members.

The assignment provisions specifically can be outlined as follows: S. Res. 4 establishes a system in which each Senator would normally be assigned to two Class A committees; six Class A subcommittees (three per committee); one Class B committee; and two class B subcommittees (two per committee). Some Senators would be permitted to have additional assignments on Class C committees and subcommittees. Senators are also limited to one full committee chairmanship among all Class A and B committees and one subcommittee chairmanship per committee. Overall, then, most Senators would be limited to four committees, eight subcommittees, one committee chairmanship, and three subcommittee chairmanships.

This complex series of related recommendations has seen a varied record of implementation. The Senate has reduced the total number of committees and subcommittees from 174 at the time of enactment of the Committee System Reorganization Amendments, to 107 at the end of the 96th Congress. Concurrently, committee and subcommittee assignments for Senators have been reduced from an average of 18 per member, prior to enactment of S. Res. 4, to an average of 11 today. The resolution permits the joint party leadership temporarily to increase or reduce by two the number of members assigned to standing and permanent select committees. Since the 95th Congress, the sizes of several committees have been altered within the limits prescribed. However, the changes in some committees have been in excess of the S. Res. 4 limits.

The most difficult recommendation on which to detail implementation accurately is the complex series of assignment limitations and exceptions (grandfather rights) imposed by the resolution. The change of the Budget Committee to a Class A assignment for all Members in the 96th Congress, and the temporary appointments made at the beginning of the 95th Congress, further complicate the process. Nevertheless, some generalizations can be advanced.

For example, on February 24, 1977, Senator Howard Cannon, the Chairman of the Rules and Administration Committee and floor manager for Senate consideration of S. Res. 4, stated that two Senators had been appointed to three Class A committees, while several others were serving on two Class B committees, in apparent violation of the rules. By the time all committee assignments for the 95th Congress had been made, nine Members had three Class A committee assignments, according to the definition of S. Res. 4, while five were seated on two Class B committees, notwithstanding Rules to the contrary. These exceptions were in addition to the three permanent and six temporary exceptions (grandfather rights) provided for Class A and B committees by Title II of S. Res. 4. In addition, four freshman Senators were named to the Budget Committee in the 95th Congress as well as to two Class A committees, although the Rules state that Senators newly appointed to Budget

Committee in the 95th Congress could serve only on one Class A and B committees by Title II of S. Res. 4. In addition, four freshman Senators were named to the Budget Committee in the 95th Congress as well as to two Class A committees, although the Rules state that Senators newly appointed to Budget Committee in the 95th Congress could serve only on one Class A committee. In the 96th Congress, all new assignments to the Budget Committee are counted as Class A appointments. If this provision were strictly enforced, all current Members of the Budget Committee would be required to relinquish that assignment or one of their other Class A committee assignments. Not every Senator in this situation has done so. In addition, several Senators received temporary grandfather rights to remain on the Budget Committee in excess of assignment limitations for the 95th Congress, or until action was completed on the Second Concurrent Budget Resolution for FY 1978. Again, not all affected Members have complied with these limitations and relinquished a Class A committee assignment.

Section 201(f) of S. Res. 4 expresses the sense of the Senate concerning the appointment of Senators to subcommittees. It states that committees should include a provision in their rules so that senior members shall not receive all of their subcommittee assignments before less senior members' assignments are considered, but that, in order of committee seniority, each member will receive one assignment, and then, in order of seniority, will receive a second assignment, and so on.

This provision, which sought a more equitable distribution of assignments and chairmanships for members, has seen a fairly high rate of success. In the 95th Congress, five committees explicitly incorporated this provision in their rules and others adopted it in practice. In the 96th Congress, five committees had provisions in their rules regarding bidding for subcommittee assignments, while most others appear to have adopted the provision in practice.

Equitable Apportionment of Staff for Minority

Under S. Res. 4, section 703(e), a majority of the minority members of any committee may request that a proportionate share, and at least one-third, of the committee's staff funds not allocated to nondesignated personnel, be allocated to the minority. Committees were allowed an adjustment period of four years to comply with the request, with one-half of the goal to be reached by July 1, 1979. In addition, the resolution required proportionate shares of office space, equipment, and other facilities for minority staff.

On May 8, 1979, Senator Mark Hatfield, ranking minority member of the Committee on Rules and Administration, detailed the progress of individual committees in implementing the recommendations of the Select Committee. According to the survey conducted by the Rules Committee staff, most committees were at, or near, the minimum one-third level more than two years before the July 1981 target date. As of May 1979, two committees, Energy and Natural Resources and Armed Services, remained significantly below the one-third level. Two other committees, Appropriations and Foreign Relations, were not subject to the timetable, since the minority party members had not requested a proportionate share of staff funds. A survey of committee minority staffs indicates that

Senate committees have conformed to the S. Res. 4 requirements for proportionate space, equipment, and facilities.

In addition, three panels have exceeded the one-third staffing ratio and now approach proportionate staffing, that is, partisan staff ratios reflecting the percentage of minority members on the committees. In the 96th Congress, there were 41 minority party Senators; three committees had a roughly comparable percentage of minority staff. The Veterans Affairs Committee allocated 39 percent of the staff to the minority, while the Special Aging Committee alloted 38 percent. The Intelligence Committee, with a fixed ratio of one more majority than minority member, allocated 48 percent of partisan staff funds to the minority.

During the Rules Committee hearings on committee funding resolutions in February, 1981, all Senate committees reported that at least one-third of staff funds not allocated to non-designated personnel, were allocated to the minority.

Regulatory Impact Evaluations

Included in S. Res. 4 was a requirement that the committee reports accompanying most public measures include an assessment of the measure's economic impact on the individuals and entities to be affected by the legislation, as well as an evaluation of the measure's probable effects on personal privacy, Federal paperwork, and private recordkeeping. This requirement has been incorporated into the Standing Rules as paragraph 11(b) of Rule XXVI. The expressed purpose of requiring such regulatory impact statements was to focus the attention of the Senate on some of the likely consequences of the legislation reported for floor action. Since becoming familiar with this additional responsibility, Senate committees have regularly complied with this requirement, although the scope and content of their impact evaluations naturally have varied from committee to committee and from measure to measure. In July 1979, the Office of Technology Assessment issued a staff working paper reviewing the impact requirements and defining some of the difficulties and opportunities in implementing the Rule.

Transfer of Congressional Operations and Defense Production Responsibilities

S. Res. 4, section 201(d)(1), called for the termination of the Joint Committee on Defense Production by July 1, 1977, and specified that the appropriate standing committee was to be given the responsibility for reporting legislation terminating the panel's statutory authority, transferring its jurisdiction, and ceasing its staff operations by July 1977.

Pursuant to the recommendations of the Select Committee, the Senate Rules and Administration Committee held hearings on S. 853, introduced by Senator Proxmire on May 11, 1977. The measure did not conform to the objectives of S. Res. 4, as its provisions extended the Defense Production Act of 1950 until September 30, 1979, thereby continuing the Joint Committee until that date. The Rules Committee reported the measure on May 11, 1977; the Senate passed S. 853 on May 13 and the House on May 19, 1977. On June 1, 1977, the President signed the measure, P.L. 95–37, into

law. However, the Joint Committee on Defense Production was denied operating funds for FY 1978 in the Legislative Branch Appropriations Act. Subsequently, the Rules and Administration Committee reported S. Res. 243, agreed to September 21, 1977, which specifically authorized funds to the Committee on Banking, Housing and Urban Affairs, to carry out the functions assigned by laws to the Joint Committee.

Recommendations Against Use of Select Committees, Generally; Permanent Select Committee on Indian Affairs

S. Res. 4 attempted to reduce the Senate's use of special and select committees. Specifically, the measure directed that the Select Committee on Indian Affairs would be terminated at the end of the 95th Congress and its jurisdiction transferred to the Committee on Human Resources.

After substantial Committee and floor consideration on the final day of the 95th Congress, the Senate passed S. Res. 405, extending the Select Committee for two more years. During the 96th Congress, efforts were again made to reconstitute the panel as a permanent committee. Senator Melcher (the new chairman of the Committee) and twenty-eight cosponsors introduced S. Res. 448 on May 22, 1980, to make the panel a permanent committee. The Committee on Rules and Administration held hearings on the measure on June 25, 1980 and September 11, 1980. On September 16, 1980, the resolution was favorably reported (S. Rept. 96–948), with amendments, by the committee. On December 11, 1980, the resolution was agreed to, with a substitute amendment which extended the committee's life for 3 years, to 1983, and increased its size from five to seven members.

Other proposals for select and special committees to be created continue to be referred to the Rules and Administration Committee. Senator DeConcini and others introduced S. Res. 207 on July 26, 1979 to create a Select Committee on Narcotics Abuse and Control. The Committee on Rules and Administration held hearings on the measure on April 23, 1980, but did not take any further action.

COMMITTEE FUNDING PROCEDURE AND STAFF

The Committee on Rules and Administration, in the 96th Congress, took action to modify Senate committee staffing and funding procedures which went beyond the recommendations of the Temporary Select Committee. Pursuant to S. Res. 281 and S. 2018 (which was enacted as Section 112 of the Supplemental Appropriations Act, 1980 (P.L. 96-304, July 8, 1980), effective with the beginning of the 97th Congress, Senate committees were required to submit a single primary funding resolution to the Committee on Rules and Administration encompassing estimated costs of all committee operations. The package further stipulated that the previous distinction between statutory and investigative staffs would be ended and that all committees would henceforth be required to gain Senate approval for the employment of all staff. The package also ended the exemption of the Committee on Appropriations from the committee funding process, but not that of the Ethics Committee. S. Res. 281 passed the Senate on March 11, 1980.

It is anticipated that the Rules and Administration Committee and the Senate will utilize this new procedure to better review and control the staffing needs of Senate committees, and that cost savings will be more readily effected.

Recommendations of the Commission on the Operation of the Senate

The Commission on the Operation of the Senate, created by the Senate in 1975, critically examined Senate administration, and issued its final report in December 1976. The Commission recommended revision of the Senate's administrative structure, expansion of the Senate's use of computer technology, increased compensation for Senators, adoption of an ethics code, increased coordination among congressional support agencies and other changes. Since 1976, the Senate and the Rules and Administration Committee have acted on several of these proposals.

ADMINISTRATIVE RECOMMENDATIONS

In 1977 and 1978 the Rules and Administration Committee held hearings on the Commission's administrative recommendations. The Committee directed the Secretary of the Senate, the Senate Sergeant at Arms and the Architect of the Capitol to streamline their administrative operations by eliminating duplicative functions. In 1979 the Rules and Administration Committee staff studied ways to resolve the problems of administrative overlap in the Senate. The Senate officers and the Architect responded to questionnaires prepared by the Rules and Administration Committee staff. The information provided the subject matter for a series of meetings held in January 1980 at which staff, Senate officers and the Architect discussed the functions and repsonsibilities of the Senate and Capitol officers. In June 1980, the Rules and Administration Committee staff issued its report, "Analysis of Certain Administrative Issues of the Commission on Operation of the Senate." The staff recommended consolidation of responsibility for office space, vehicle servicing, custodial and janitorial services, re-allocation of Capitol office space and appointment of a group to review the 1971 rules and Administration Committee "Guidelines for Information Processing and Computer Service Activities."

The Rules and Administration committee staff recommendation on office space would, if implemented, adopt the Commission's proposal that each Seantor be provided with an office in the Capitol. The Commission had predicted that, upon completion, the Hart Building would meet the Senate's needs for office space. The Hart Building is scheduled for completion in late 1982 or early 1983.

The Commission also recommended salary increases for Senators, passage of financial disclosure legislation and preparation of a Senate code of ethics. Senators' salaries have technically increased in recent years to a level exceeding that recommended by the Commission. However, in terms of actual amounts payable, Senators receive less than the amount recommended by the Commission. In April 1977, the Senate adopted a code of ethics which included financial disclosure requirements.

LEGISLATIVE INFORMATION

The Commission cited the need for early identification and analysis of possible future problems.

The Commission report addressed the problem of duplicative research efforts by the congressional support agencies. The Research Notification System, established in 1976, is a mechanism designed to insure coordination of, and eliminate unnecessary overlap in, research conducted by OTA, CRS, CBO and GAO.

The Commission also cited Senators' needs for legislative information and recommended that the Senate develop new data systems, establish a House-Senate advisory group on computer activities, and establish training programs for users of such systems. The Senate has expanded its use of computer technology significantly in recent years. Senators and staff now have at their disposal data systems that provide up-to-date status reports on current legislation and information on Senate committee and subcommittee activities and schedules. In addition, the Senate now uses computer technology to prepare various Senate documents and utilizes office automation, information retrieval and policy analysis systems.

In May 1977, the Senate Rules and Administration Committee, in conjunction with the House Administration Committee and the Congressional Research Service, created the Policy Coordination Group for Technology Development. This body functions as an advisory group such as that recommended by the Commission; it coordinates the development of technology-supported systems for Congress. The Senate has also established user training and orientation programs, which directly addresses another Commission proposal.

CAPITOL POLICE

In 1979, Congress passed legislation to phaseout the Metropolitan detail of the Capitol Hill Police Force. This action, in effect, enacted another Commission proposal. The recommendations of the Commission on the Operation of the Senate were to initiate, through the Senate's representative on the Capitol Police Board (the Sergeant at Arms), a careful study of the mission of the force and its organization, management and training, with an eye to the following specific changes: consolidation of the Senate and House police details, substantial reduction in the size of the force, assignment of certain duties to civilian personnel, possible discontinuance of the Metropolitan detail, negotiation of an interagency agreement with the National Park Police, and contractual arrangements with the Metropolitan Police, to supplement the Capitol Force when necessary.

The Committee on Rules and Administration, with its responsibilities over the administration of the Senate office buildings and the Senate wing of the Capitol, as well as for providing services to the Senate, has been closely involved with reviewing the role of the Capitol Police. The Rules and Administration Committee supervises the work of the Senate Sergeant at Arms, and, through his office, the work of the Capitol Police Board.

Since the recommendations of the Commission, significant changes in the operation of the Capitol Police Force have been

made. One of those was the establishment of the position of Chief of the Capitol Police (P.L. 96–152). Under the provisions of the Act, the Chief of the Capitol Police is designated a congressional employee, appointed by the Capitol Police Board. Previously, the position of Chief had always been filled by a deputy chief of the Metropolitan Police Department on detail to the Capitol Police. The Act also provided for the gradual elimination, mentioned above, of the detail of Metropolitan Police officers assigned to the Capitol Police Force.

Other steps have been taken to enhance the professionalism of the Capitol Police Force. The police assigned to the Senate are now appointed on a merit system, replacing the patronage system that formerly accounted for nearly 40 percent of all appointments to the Capitol Police Force. All candidates for posts on the Police Force are now required to have a minimum of one year prior police service, or comparable experience, and written qualifying examinations have been instituted for subsequent promotions within the force. For promotions to the grade of Captain, an oral review board is appointed to review the eligible candidates, and to recommend promotions to the Police Board. Further steps taken to enhance professionalism include the development of more comprehensive training programs for police officers, as well as the establishment of the post of General Counsel. Previously, legal issues involving the Capitol Police were handled by District of Columbia Government attorneys, but the establishment of the General Counsel provides the Force, under the direction of the Capitol Police Board, with a full-time legal advisor answerable to the appropriate committees in the House and Senate.

Congressional action in the 96th Congress expands the responsibilities of the Capitol Police. Public Law 96–432 (H.R. 6331) enlarged the area designated as part of the U.S. Capitol Grounds, thereby enlarging the area to be patrolled by the Capitol Police. The measure also authorized the Capitol Police Board to detail police from their regular duty stations to special duty on the Capitol Grounds and on the grounds of the Library of Congress.

PAGES

The Commission also recommended in its final report that the Senate replace the page system with a regular messenger service, or modify it by placing recruitment on a merit system. The Commission also recommended increased supervision for the pages, should the Senate continue its practice of appointing high school students.

The Senate did pass a resolution (S. Res. 119) May 14, 1979, to eliminate certain restrictions and conditions on the appointment of female pages in the Senate. When the Senate approved the appointment of female pages in 1971, it did so with the stipulation that no female page could be appointed by a Senator unless he/she filed with the Sergeant at Arms a written statement, accompanying such appointment, that he/she would be responsible for the female page's safety and well-being.

Senator William Proxmire sponsored S. Res. 119, which eliminated the previous restrictions on the appointment of female pages. He stated that these requirements had limited the opportunities

for the employment of females as pages, because Senators could not possibly oversee a female page's trips to and from the Senate nor supervise her activities away from the Senate, as had been required. The Rules Committee endorsed this action, in view of the Senate's action in adopting Rule XLII (42), effective January 3, 1979, specifically barring employment discrimination in the Senate on the basis of sex. The Committee believed that the 1971 requirement was inconsistent with the new Senate Rule.

Recommendations Derived From Published Proceedings of the Temporary Select Committee and the Commission on the Operation of the Senate

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ADEQUACY OF PRESENT COMMITTEE AND FLOOR PROCEDURES FOR ADVICE AND CONSENT OF THE SENATE

Both the Temporary Select Committee to Study the Senate Committee System and the Commission on the Operation of the Senate published staff papers discussing committee and floor procedures for consideration of nominations. Neither made recommendations on this topic. No Senatewide procedures concerning nominations exist except Rule XXXI, which deals with floor action; each committee has devised its own system for considering prospective presidential appointees. Since the time of the final Select Committee and Commission reports, some committees have adopted extensive procedures for handling nominations. Perhaps the most extensive recent rule is that adopted by the Committee on Governmental Affairs in 1979, which contains explicit specifications for the qualifications of nominees, information on their backgrounds, procedures for committee inquiry, an extensive report on each nominee, hearing rules, and procedures for action on confirmation. As of the beginning of the 96th Congress, a total of seven Senate committees had written rules concerning their procedures for handling nominations: Armed Services, Energy and Natural Resources, Foreign Relations, Governmental Affairs, Labor and Human Resources, Select Indian Affairs, and Select Intelligence. Other panels—including Commerce, Science and Transportation and Judiciary—have had unwritten customary practices for carrying out their responsibilities concerning nominations. During the 95th Congress, Senator Ribicoff introduced S. Res. 258, which would have established a Senate Office of Nominations to assist in the confirmation process; there was no action on the resolution.

MODERNIZATION AND EXPANSION OF MEDIA FACILITIES

Recommendations to modernize and expand the Senate's news media facilities were made by the Temporary Select Committee to Study the Senate Committee System and the Commission on the Operation of the Senate. The Temporary Select Committee's recommendations included: (1) providing additional gallery facilities, (2) redesigning committee hearing rooms so that TV cameras could be better accommodated, (3) improving in-house lighting and (4) designating special areas for TV cameras in various sections of the hearing rooms to minimize distractions from committee business.

The Commission's recommendations include: refurbishing the existing media rooms in the Dirksen and Russell Buildings and establishing a briefing room in the Capitol for all media reporters. Al-

ternatively, the Commission proposed that the new multi-media hearing room to be constructed in the Hart Office Building be used for large news conferences.

During the 95th and 96th Congresses, increasing cost estimates made funding to continue construction of the Hart Office Building a controversial issue. Funds for the multi-media hearing room, which is to be equipped with booths, cables, built-in facilities for TV cameras, monitoring equipment, and lights, were cut by the Senate Office Building Commission on July 19, 1979. However, the Senate Appropriations Committee restored provisions for the multi-media room on the same day. By September, 1979, the House and Senate had agreed to a conference report on the appropriations bill (H.R. 4388) which included funds for the Hart Senate Office Building. The measure was signed into law on September 25, 1979.

AUDIO AND VIDEO BROADCASTING OF SENATE FLOOR PROCEEDINGS

Both the Commission on the Operation of the Senate and the Temporary Select Committee to Study the Senate Committee System recommended that an experimental study of audio and video broadcasting of Senate floor proceedings be conducted. The Commission further recommended that closed circuit video monitors of floor proceedings be installed in Senate media rooms in the Russell and Dirksen Buildings. The first steps to implement this proposal occurred during the 95th Congress, when Senate Majority Leader Robert C. Byrd (D., W. Va.), on behalf of himself, Senate Minority Leader Howard H. Baker, Jr. (R., Tenn.) and others, introduced S. Res. 268. The resolution provided for radio and television coverage of the Senate proceedings during consideration of the Panama Canal Treaties. The measure was introduced on September 24, 1977, and was referred to the Committee on Rules and Administration.

Studies conducted by the Rules and Administration Committee showed that lighting levels in the Senate chamber and the existing sound system were inadequate to the needs of television broadcasting. As a result of these investigations, the Committee reported an amended version of S. Res. 268 authorizing radio broadcast of Senate debate on the Panama Canal Treaties. The measure was considered, amended, and agreed to by the Senate on February 2, 1978, marking the first time in history that either the Senate or the House authorized broadcasts of floor proceedings for other than ceremonial functions. Six days later (February 8, 1978), broadcast coverage of the Canal Treaties procedings began. The National Public Radio (NPR), CBS and NBC radio networks broadcast the Senate's proceedings, with NPR providing gavel-to-gavel coverage, and the commercial networks choosing to provide selected coverage.

In February, 1978, the Rules and Administration Committee authorized sound transmission of Senate floor proceedings to Member and committee offices. Each Senate office was allowed to connect two speakerphones, each committee three speakerphones to the Senate loudspeaker system. These connections enable Members, committees, and staff to hear floor debate while working away from the Senate chamber.

Since the Panama Canal Treaties debates, however, the Senate has not allowed any further public broadcasts of its proceedings. Other broadcasting resolutions in the 95th congress were referred to, but not acted upon by, the Committee on Rules and Administration. One resolution, S. Res. 74, sponsored jointly by the Senate Majority and Minority Leaders, would have established a closed-circuit television system for in-house use of Senators and Senate staff; another measure, S. Res. 153, would have given television and radio continuous access to the Senate chamber to broadcast floor debates.

During the 96th Congress Senators Garn and Heflin each introduced measures, S. Res. 158 and S. Res. 253 respectively, providing for radio and television coverage of the Senate proceedings on the SALT Treaty. Both measures were referred to the Committee on Rules and Administration.

STAFF PROFESSIONALISM AND RECRUITMENT

The Commission on the Operation of the Senate recommended the establishment of a "modern personnel system" within the Senate. Although recognizing that necessary differences existed among the position requirements for staff employed by Senators, Senate committees, and Senate administrative offices, the Commission recommended where possible that a system of job descriptions, uniform and equitable pay policies, and other improvements be instituted. Supplementary recommendations prepared by staff of the Commission on the Operation of the Senate recommended a significant expansion in orientation training and additional professional development training for Senate employees.

The Rules and Administration Committee has not taken direct action to implement Commission recommendations leading toward the establishment of a uniform Senate personnel system. The Committee recognizes that the wide diversity among Senate offices and committees in staffing requirements and in the responsibilities assigned to individual staff members makes it unlikely that any uniform personnel position standards could be developed for the Senate. However, the Committee has taken a number of steps to improve staff orientation and training opportunities. The Offices of the Secretary of the Senate and the Senate Sergeant at Arms, with the participation of the Committee on Rules and Administration, conduct or participate in numerous staff orientation programs. These briefings focus on the role of staff within the Senate, the organization and operation of the Senate, the role of casework in Senate offices, and the elements of Congressional floor procedure. The Secretary of the Senate and the Senate Sergeant at Arms, in conjunction with the Committee on Rules and Administration, the House Administration Committee's Office of Management Services, and the Congressional Research Service of the Library of Congress, offer more advanced training programs to improve existing staff skills. Revisions in the official expense allowances available to Senators (discussed in more detail elsewhere in this report) permit the use of such funds for Member office staff training provided by private sources.

The Senate has taken a number of steps to improve its staff recruitment procedures and practices. Senate Rule XLII (42), effective January 3, 1979, banned discrimination with respect to em-

ployment by Senate Members, officers, or employees on the basis of race, color, religion, sex, national origin, age, or physical handicap. Moreover, the Rules and Administration Committee has worked with the House Administration Committee's Office of Management Services to expand the scope of Senate-related personnel activities performed by the Congressional Placement Office.

Activities of the Senate Rules and Administration Committee as a Result of Transfer of Responsibilities of the Joint Committee on Congressional Operations

Section 201 (d) of Senate Resolution 4 provided that, not later than July 1, 1977, legislation terminating the authority of the Joint Committee on Congressional Operations (JCCO) and transferring its responsibilities to the appropriate Senate standing committee be reported to the Senate. The Joint Committee had been established pursuant to the Legislative Reorganization Act of 1970. Among the responsibilities assigned to it were (1) to study on a continuing basis the organization and operation of the Congress, and to recommend appropriate improvements; (2) to identify court proceedings and actions of vital interest to the Congress, to advise the appropriate House(s) of Congress on the import of the court action, and to offer recommendations concerning them; (3) to organize an office of Placement and Management to assist House and Senate offices in administrative and managerial functions and in staff recruitment. The Temporary Select Committee to Study the Senate Committee System has recommend that, in the interest of efficiency, most existing joint committees be abolished, and their Senate-related functions assumed by the appropriate standing committee.

On May 25, 1977, Senators Lee Metcalf and Adlai Stevenson introduced S. 1608, to abolish JCCO, and to assign its responsibilities in the Senate to the Committee on Rules and Administration. The Rules and Administration Committee reported the measure on June 12, 1977, after adopting an amendment to set the effective date at either September 30, 1977, or the date of Senate action on the measure, whichever was earlier. The Senate passed the bill on July 12, 1977. The measure was referred to the House Rules Committee, but no further action was necessary. Earlier, the House had acted to establish a Select Committee on Congressional Operations to assume the duties of the former Joint Committee in the House. Thus, the separate actions of the two Chambers, taken pursuant to their internal rule-making powers, transferred the authority of the Joint Committee to other House and Senate units.

The Rules and Administration Committee has sought to minimize duplication of effort with House entities assigned parallel responsibilities subsequent to the abolition of the Joint Committee. The House Judiciary Committee has assumed the publication of "Court Proceedings of Vital Interest to the Congress," and the Rules and Administration Committee has seen to the distribution of these volumes to Senate offices and committees. Similarly, the Rules and Administration Committee, as well as the Offices of the Secretary of the Senate and Sergeant at Arms, have worked closely with the House Administration Committee to assure that the Office of Management Services (under the supervision of the House committee) continues the work of the former Congressional Placement Office, and acts to provide appropriate assistance to Senate Members, officers, committees, and staff. The Rules and Administration Committee supervises the distribution of the bi-monthly journal Staff (published by the Office of Management Services) to Senate offices.

ACTIVITIES OF THE SENATE RULES AND ADMINISTRATION COMMITTEE IN ITS CONTINUING REVIEW OF SENATE RULES AND OPERATIONS

RECODIFICATION OF THE STANDING RULES

Twice during the 96th Congress, the Senate adopted resolutions to recodify the Standing Rules of the Senate, the first such systematic recodification in almost a century. This effort was made pursuant to S. Res. 156 of the 94th Congress, which was adopted by the Senate on May 10, 1976, at the recommendation of the Committee on Rules and Administration. The recodification resolutions were developed under the aegis of the Committee and prepared by Dr. Floyd M. Riddick, Parliamentarian Emeritus of the Senate.

Recodification occurred in two stages. On November 14, 1979, the Senate adopted S. Res. 274. A second resolution, S. 389, making further modifications in the Standing Rules, was adopted on March 25, 1980. The purpose of both resolutions, which enjoyed unanimous support in the Senate, was to clarify and re-organize the Standing Rules, rather than to make substantive changes in them. Certain provisions were eliminated, modified or included to reflect accurately the established current practices of the Senate. When necessary, Rules were re-organized and re-numbered to consolidate provisions on the same or closedly related subjects. In addition, the recodification resolutions incorporated within the body of the Standing Rules a number of provisions of statutes and Senate resolutions that directly affect the organization and operation of the Senate.

ADMINISTRATION OF SENATE ALLOWANCES

The Committee on Rules and Administration has jurisdiction over matters relating to charges upon, and payments from, the Contingent Fund of the Senate.

In 1973, the Senate established for each Senator a Consolidated Allowance, payable from the Contingent fund, determined by totaling amounts previously established for seven separate allowance categories. An eighth category, established in 1977 (Public Law 95-94, August 5, 1977), reimburses each Senator for such "Other Official Expenses" as a Senator determines necessary. Reimbursement may not be claimed, under this category, for official office expenses incurred in the Senator's State, but may include actural transportation expenses incurred by the Senator and employees in his or her office in the performance of official business in the District of Columbia, or (in the case of employees assigned to a Senator's home state office) in the performance of official business in the state. However, such expenses may not, for any calendar year, exceed ten percent of the total amount of expenses authorized to be paid. (2 U.S.C. 58a, Public law 92-607, 86 Stat. 1505-1506, October

31, 1972, as amended, Public Law 95-94, 91 Stat. 663, August 5, 1977.)

Effective October 1, 1977, the Consolidated Allowance was revised and renamed the Official Office Expense Account. The amount of this amount varies for each Senator according to the distance between Washington, D.C. and the Senator's home state, and the population and location of the state (whether east or west of the Mississippi River). Under law, the Official Office Expense Account can be used for official expenses of the Senator and his or her staff with no limitation on the amount which can be spent in any one category, except for the limitation of ten percent for "Other Official Expenses."

S. Res. 294, reported by the Committee and finally agreed to by the Senate on April 29, 1980 after being slightly revised by the Committee, serves as a guide to Senators in the expenditure of this category of funds as well as funds reimbursable under the Home State Office category of the Official Office Expense Account. It defines "official expenses" for purposes of the "ten percent office accounts" and the home office expense accounts for necessary expenses incurred by a Senator and his or her staff in the discharge of their official duties. Approval of the resolution makes it clear that final determination of what is called an "Official Expense" is the responsibility of the Senate Rules and Administration Committee, while still leaving discretion as to the necessity of such expenditures to each Senator.

The resolution enumerates the following expenditure categories for which reimbursement from the "Official Expense" account may not be claimed:

(1) Commuting expenses, including parking fees incurred in commuting;

(2) Expenses incurred for the purchase of holiday greeting cards, flowers, trophies, awards, and certificates;

(3) Donations or gifts of any type, except gifts of flags which have been flown over the United States Capitol and copies of the book, "We, the People;"

(4) Dues or assessments;

(5) Expenses incurred for the purchase of radio or television time, or for space in newspaper or other print media (except classified advertising for personnel to be employed in a Senator's office);

(6) Expenses incurred by an individual who is not an employee of the Senate;

(7) Travel expenses incurred by an employee which are reimbursable under subsection (e) of Section 506 of the Supplemental Appropriations Act, Fiscal Year 1973 (2 U.S.C. 58a);

(8) Relocation expenses incurred by an employee in connection with the commencement or termination of employment or a change of duty station; and

(9) Compensation paid to an individual for personal services performed in a normal employer-employee relationship.

Senate Resolution 294 also restates those expenses that by law may not be reimbursed from official funds:

(1) Expenses incurred for entertainment or meals (2 U.S.C. 582);

(2) Payment of additional salary or compensation to an employee (2 U.S.C. 68); and

(3) Expenses incurred for maintenance or care of private vehicles (Legislative Appropriations Acts).

In a related action during the 96th Congress, the Committee required for the first time a full documentation for reimbursement for Senators' Official Office Expense Accounts from the Contingent Fund of the Senate. S. Res. 170 was the subject of a Committee hearing on July 13, 1979, and passed the Senate on August 2, 1979. The resolution, which had been endorsed by members of the Senate Select Committee on Ethics, established uniformity among Senate offices with regard to reimbursement practices and reduced significantly the risk of unintentional errors and abuse of the reimbursement system. The resolution prohibits reimbursements from the Contingent Fund of the Senate for expenses under Senators' Official Office Expense Accounts, unless vouchers presented for reimbursement are accompanied by supporting documentation. Section 2 of the resolution specifically authorizes the Committee on Rules and Administration to promulgate regulations to implement the intent of the resolution and, at its discretion, to exempt specific expenditures from the documentation requirement. The Committee, as a result, has already acted to require itemized documentation. The 1979 Committee action requires that vouchers be fully documented, using invoices, bills, statements, or receipts prior to approval by the Committee on Rules and Administration and subsequent payment by the Senate from the Contingent Fund.

Concern had been expressed that, under the resolution, Senators would be required to submit documentation for very small expenditures, which would prove either difficult to document or too time consuming. Consequently, the Committee exempted expenditures below $25 from the documentation requirement, unless in the Committee's judgment special circumstances made documentation appropriate.

Prior to the Committee's action, Senators were required to submit certification of expenses and itemized vouchers. There was no requirement that documentation be submitted to the Disbursing Office or to the Rules and Administration Committees. Each individual office held the responsibility to insure that expenses claimed had actually been incurred and that the claimed expenses fell within an authorized category.

In addition, under section 112 of the Legislative Appropriations Act, Fiscal Year 1978, the Secretary of the Senate is required to list expenses incurred by Senators separately in the semiannual Report of the Secretary of the Senate.

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